

REMARKS

Claims 1, 2, 3 and 4 are rewritten to incorporate the limitations of claims 9 and 17. These amendments are supported in the specification and do not add new matter. Claims 9 and 17 are accordingly canceled. Also, claim 16 is canceled in light of the amendment to claim 1.

Claim 5 is amended to delete the parenthetical "(micelles)" and "(preferably air)". This amendment to claim 5 is supported in the specification and does not add new matter.

Claims 10 and 12 are amended as dependent from claim 1 in lieu of claim 9 because the limitations of claim 9 are written into claim 1. These amendments are supported in the specification and do not add new matter.

Claim 12 is also reworded, in light of the rejection under 35 U.S.C. § 112 (second paragraph), to recite that the particles have a migration speed of less than 1.0 cm per month. This rewording of claim 12 is supported in the specification and does not add new matter.

Claim 18 is amended as dependent from claim 1 in lieu of claim 17 because the limitations of claim 17 are written into claim 1. This amendment is supported in the specification and does not add new matter.

Claim 21 is amended, in light of the rejection under 35 U.S.C. § 112 (second paragraph), as dependent from claim 20. This amendment is supported in the specification, including at ¶¶ 0051 and 0052, and does not add new matter.

Claims 18, 23, 25 and 31 are amended, in light of the rejection under 35 U.S.C. § 112 (second paragraph), to set forth that the compositional amounts are by weight. These amendments are supported in the specification and do not add new matter.

Claim 34 is rewritten to recite that the method comprises the step of providing the detergent composition of claim 1. This amendment is supported in the specification, including at ¶ 0068, and does not add new matter.

At page 2 of the Office Action, the Examiner rejects claims 5, 12, 16-21, 23, 25, 31 and 34 under 35 U.S.C. § 112 (second paragraph) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Reconsideration and withdrawal of this rejection is respectfully requested.

The Examiner asserts that claim 5 is indefinite because it is not clear whether the terms inside the parentheses are part of the claim. The parenthetical language has been canceled.

The Examiner asserts that claim 12 lacks support for “the migration speed” with respect to claim 9. Claim 12 has been rewritten to comply with 35 U.S.C. § 112.

Regarding claims 16-18, the Examiner states that the proportion of the water lacks “by weight” and the dependency of claim 17 is missing. Claim 19 is rejected as being dependent on a rejected base claim (claim 18). As mentioned above, claims 16 and 17 are canceled. Claim 18 is amended to recite that the salt content is by weight and also the limitations of claim 9 that were written into claim 1 recite the water content by weight.

Claim 21 is asserted as lacking support for “the enzyme” with respect to claim 1. Claim 21 is amended as dependent from claim 20 which has antecedent basis for the enzyme.

Claims 23, 25 and 31 are rejected on the basis that the proportions set forth therein lack “by weight” or otherwise. Claims 23, 25 and 31 are amended accordingly to specify that the proportions are by weight.

Claim 34 is said to be indefinite in the recital of “the use of...” because the claim does not recite a positive step. Claim 34 is amended to recite a method comprising the step of providing a detergent composition in accordance with claim 1.

Based on the claim amendments and the discussion immediately above, claims 5, 12, 16-21, 23, 25, 31 and 34, as well as all of the claims in the instant Application, are believed to be in compliance with 35 U.S.C. § 112 (second paragraph). Thus, withdrawal of the formal rejections of the claims is earnestly solicited.

At pages 4-5 of the Office Action, the Examiner rejects claims 1-6, 8, 11-13, 15, 17 and 29-31 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,728,446 to Roberts *et al.* (“Roberts”), or in the alternative under 35 U.S.C. § 103(a) as obvious over Roberts. The Examiner’s detailed discussion of this reference is set forth in the Office Action.

The independent claims of the instant application, claims 1-4, are amended, in pertinent part, to include the limitations of claim 9 that the detergent active is at least partially encapsulated within the primary particles. Claim 9 was not rejected as anticipated by or obvious over Roberts. Accordingly, the rejection of the claims under Roberts is moot and withdrawal of this rejection is respectfully requested.

At pages 6-7 of the Office Action, the Examiner rejects claims 1-6, 20-22, 24, 26-32 and 34 under 35 U.S.C. § 102(b) as anticipated by WO 99/00477 to Smerznak (“Smerznak”), or in the alternative under 35 U.S.C. § 103(a) as obvious over Smerznak. The Examiner’s detailed discussion of this reference is set forth in the Office Action.

The independent claims of the instant application, claims 1-4, are amended, in pertinent part, to include the limitations of claim 17 that the gel has a water content of from 5% to 65%. Claim 17 was not rejected as anticipated by or obvious over Smerznak. Accordingly, the

rejection of the claims under Smerznak is moot and withdrawal of this rejection is respectfully requested.

At pages 8-9 of the Office Action, the Examiner rejects claims 18-19, 23 and 25 under 35 U.S.C. § 103(a) as obvious over Smerznak. The Examiner's detailed discussion of this reference is set forth in the Office Action.

Claims 18-19, 23 and 25 are directly or indirectly dependent from claim 1 which, as discussed above, incorporates the limitations of claim 17 and is not anticipated by or obvious over Smerznak. As such, claims 18-19, 23 and 25, as amended through claim 1, cannot be obvious over Smerznak. Therefore, withdrawal of this rejection is respectfully requested.

At page 9 of the Office Action, the Examiner rejects claim 33 under 35 U.S.C. § 103(a) as obvious over Smerznak in view of U.S. Patent No. 4,846,992 to Fonsny ("Fonsny"). The Examiner's detailed discussion of this reference is set forth in the Office Action.

Claim 33 is dependent from claim 1 which, as discussed above, incorporates the limitations of claim 17 and is not anticipated by or obvious over Smerznak. As such, claim 33, as amended through claim 1, cannot be obvious over Smerznak in view of Fonsny. Therefore, withdrawal of this rejection is respectfully requested.

CONCLUSION

The instant application is believed to be in condition for allowance. A Notice of Allowance of Claims 1-8, 10-15 and 18-34 is respectfully requested. The Examiner is invited to telephone the undersigned at (908) 722-0700 if it is believed that further discussions, and/or additional amendment would help advance the prosecution of the instant application.

If any extension of time for this response is required, applicants request that this be considered a petition therefor. Please charge any required petition fee to the Deposit Account No. 14-1263.

Please charge any insufficiency of fees, or credit any excess, to the Deposit Account No. 14-1263.

Respectfully submitted,



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